

MRZ 8980
PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of David C. Carrithers et al. Art Unit 3622
Serial No. 09/399,597
Filed September 20, 1999
Confirmation No. 2447
For DEBIT CARD SYSTEM AND METHOD FOR
IMPLEMENTING INCENTIVE AWARD PROGRAM

October 3, 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

PETITION TO SUSPEND ACTION UNDER 37 C.F.R. 1.103(a)

In accordance with 37 C.F.R. 1.103(a) and MPEP 709,
Applicants request a six (6) month suspension of further action
by the Patent Office.

The present application is a continuation of U.S. Patent
Nos. 5,689,100 and 5,956,695. These patents are presently
involved in litigation. A Markman hearing in this litigation is
scheduled for later this month.

Applicants believe that the litigation will confirm the
patentability of the claims of the above noted patents. Although
the pending claims of the above captioned application are
different than the patented claims being litigated, they are
based on the same specification. The resolution of the
litigation will likely reduce the issues to be considered by the
Examiner (e.g., such as priority date issues asserted by the
defendants) with regard to the pending claims. Therefore,
Applicants request a six (6) month suspension by which time a
decision on the Markman hearing should be available.

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In accordance with 37 CFR 1.704(c)(1), Applicants acknowledge and agree to the fact that any suspension will cause a reduction in any applicable patent term adjustment under 37 CFR 1.703.

Filed simultaneously herewith is an Third Supplemental Information Disclosure Statement. A Fourth Supplemental Information Disclosure Statement including about 100 additional references will be hand delivered to the Patent Office within the next few days.

* A fee calculation sheet is included herewith authorizing the Commissioner to charge Deposit Account No. 19-1345 in the amount of \$130.00 to cover the fee specified in 37 CFR \$1.17(h) for submission of this Petition.

Respectfully submitted,



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